

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of	)	CA 03-19
	)	
ALAN H. NISHIMOTO,	)	
	)	
Respondent.	)	
_____	)	

CONCILIATION AGREEMENT

On or around January 2003, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Respondent, Alan H. Nishimoto ("Nishimoto"). Nishimoto is president of Capitol Accumulation Group, Inc., which is engaged in the business of providing financial services, whose business address is 1542 Young Street, Suite 206, Honolulu, Hawaii. The investigation was initiated pursuant to the express authority of section 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted to the Commission.

NOW, THEREFORE, Nishimoto and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondent and the subject matter of this administrative action.
- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or corrective action taken by Respondent pursuant to section 11-216(g), HRS.

- III. That Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- IV. That Respondent waives the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.
- V. That Respondent enters into this Agreement with the Commission on his own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
  - 1. On or around January 2003, Robert Y. Watada, in his capacity as Executive Director of the Campaign Spending Commission, and upon information received through the disclosure statements of the Jeremy Harris campaign committee ("Harris"), initiated an investigation involving excess contributions in violation of section 11-204, HRS.
  - 2. Section 11-204(a)(1)(C), HRS, reads in part as follows: No person, other than a candidate for the candidate's own campaign, or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year nonstatewide office or to the candidate's committee in an aggregate amount greater than \$4,000 during an election period.
  - 3. The election period for the Harris campaign for Mayor of Honolulu include the period from November 6, 1996 to November 7, 2000.
  - 4. The Commission finds that Nishomoto made contributions to Harris for the period in the amount of \$6,000.

5. On or about August 1997, Nishimoto made a contribution to Harris in the amount of \$2,000.
6. On or about April 6, 1998, Nishimoto made a contribution to Harris in the amount of \$2,000.
7. On or about May 1999, Nishimoto made a contribution to Harris in the amount of \$2,000.

VII. Settlement Terms

As final settlement of the matter and issues in Conciliation Agreement #03-19, Nishimoto understands and agrees to the following:

- (A) Nishimoto agrees to an assessment of **Five Hundred Dollars (\$500)** pursuant to section 11-228, HRS.
- (B) The Commission finds that excess campaign contributions were made to the Harris campaign committee.
- (C) Nishimoto agrees to comply with campaign finance statutes on contribution and expenditures to candidate committees.
- (D) Terms of payment of the assessment shall be by Order of the Commission.

VIII. The Commission upon its own motion or a written request of anyone filing a complaint under section 11-216, HRS, may review compliance with the Agreement. If the Commission believes that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.

- IX. This Agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire Agreement.
- X. This Agreement constitutes the entire agreement between the Commission and Nishimoto on the matters raised herein, and no other statement, promise, or agreement, either in writing or oral, not contained in this Agreement made by either party or by agents of either party shall be enforceable.
- XI. This Agreement, unless violated, shall be a complete bar to any further action by the Commission with respect to the violations at issue in this matter.

**FOR THE COMMISSION:**

Robert Y. Watada, Executive Director

By: \_\_\_\_\_

Date: \_\_\_\_\_

**FOR THE RESPONDENT(S)**

Alan H. Nishimoto

By: \_\_\_\_\_

(Name)

(Title)

Date: \_\_\_\_\_